S.B. Civil Writ Petition No.4449/2004

Sohan Lal.
vs.
The State of Rajasthan and others.

Date : 3.1.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.M Shishodia, for the petitioner.
Mr. HR Soni, Addl.GA, for the respondents.

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Heard learned counsel for the parties.

The petitioner has filed the present writ petition against the order dated 17.9.2004 passed by the State Government by which the petitioner was removed from the post of Sarpanch of Gram Panchayat Dhosar, Panchayat Samiti Sahada, District Bhilwara. The allegation against the petitioner was that he gave appointment to his minor son Dinesh Chandra on the post of Mate and thereby he misused his position as Sarpanch.

Learned counsel for the respondent State submits that after the said order, the election of the same Gram Panchayat has already taken place. Learned counsel for the respondents also pointed out that on behalf of the petitioner, an additional affidavit has been filed by one Badri Lal – brother of the petitioner, stating

therein that the State Government passed an order on 8.1.2005 and forwarded it to the District Returning Officer directing him to include the name of the petitioner with the eligible candidates as the petitioner cannot be held disqualified under Sections 38 and 19(h) of the Rajasthan Panchayati Raj Act, 1994.

In view of the stand taken by the petitioner in the light of any order which might have been passed by the State Government on 8.1.2005, nothing survies in this writ petition, even according to the petitioner himself as the State's decision is that he is not disqualified for subsequent election.

In view of the above, the present writ petition has become infructuous and hence, the writ petition is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya